



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Price Field Office

125 South 600 West

Price, UT 84501

<http://www.blm.gov/ut/st/en/fo/price.html>



IN REPLY REFER TO:
8142 (UTG02200)

AUG 01 2017

Steve Bloch
Southern Utah Wilderness Alliance
425 East 100 South
Salt Lake City, UT 84111

Surname	Date
AA	7.31.17
AK	7.31.17

Dear Mr. Bloch:

The Bureau of Land Management - Price Field Office (PFO) previously invited your organization to serve as a consulting party under Section 106 of the National Historic Preservation Act (NHPA) and 36CFR 800.2(c) for the proposed December 2017 oil and gas lease sale for the Price Field Office. Recently your organization provided comments on the final version of the Cultural Resources Report. The BLM – Price Field Office would like to take this opportunity to address your comments regarding the “no adverse effect” determination made by our office.

For ease of reading and organization we have summarized your comments and provided our responses in the following table:

Question/Comment	BLM Response
SUWA members would be harmed by a BLM decision to offer any of the fifteen leases at issue here.	The act of issuing a lease would not impede SUWA members from continuing to recreate in the Molen Reef area. Should a lessee decide to develop a parcel, site specific environmental analysis, including impacts to recreational activities would be considered.
SUWA disagrees with the BLM's determination of No Adverse Effect. We encourage the BLM to defer offering the lease parcels until it gathers sufficient information to assess whether leasing may have an effect on cultural resources.	The decision to defer parcels lies with the Utah BLM State Director. The issuance of a lease does not guarantee development within a parcel. The BLM reviewed existing cultural resource data and commissioned additional cultural resources inventory in the area associated with the Molen Reef Class I/II project. This information indicates that a disturbance area associated with the reasonable foreseeable development scenario would not have an adverse effect on cultural resources. All site specific development is also subject to leasing stipulations and Section 106 analysis. Projects with a potential for adverse effect would be modified, mitigated, or denied.
BLM does not have sufficient information to conclude that the lease sale will have no adverse effect on historic properties. [A literature review] effort is insufficient to meet BLM's obligation to make a reasonable and good faith effort to identify historic properties before it makes an irreversible commitment of resources.	<p>A “reasonable and good faith effort” does not require extensive on-the-ground Class III inventory. Class III surveys of very large lease areas before issuing leases is not reasonable or feasible. A phased approach to compliance is a reasonable effort. It is reasonable to review existing information from previous surveys and do some additional survey where not enough is known. This type of phased approach with additional survey and tribal consultation at the APD issuance stage was upheld by a 2005 IBLA decision on an appeal brought by the Mandan, Hidatsa, and Arikara Nation against the Montana State Office (IBLA 2005-47, February 9, 2005).</p> <p>Additionally, leasing stipulations for cultural resources allow the BLM to deny development plans if cultural resources issues cannot be resolved. The BLM can also pull the lease from the lease holder for any issues related to cultural resources.</p>

Price Field Office staff discounted an industry funded survey at the May 11, 2017 consulting parties meeting because of its questionable methodology and self-serving management summary. Despite this, the cultural report relies heavily on its findings.	The BLM did not discredit the inventory methods used for the survey. The inventory methods used to conduct the survey comply with professional archaeological survey requirements. The BLM questioned the method used to place the survey areas, but that does not mean the survey conducted is invalid. The conclusions made by the report are valid in asserting that particular rock composition types impact the placement of rock art. However, the algorithm used to select survey areas did not take this into account, therefore areas with a higher rock art probability were missed. The overall findings of the report are valid.
Another 0.7% of survey comes from a yet to be completed Class II inventory of the greater Molen Reef area.	The Class II inventory for the Molen Reef area has been completed. The contractor completed the survey in June. The survey data was provided to the BLM. The contractor is still completing the report, but the report is a narrative summary of the information which was already provided to the BLM, along with eligibility recommendations. The information about the location of the surveys and site types which was provided to the BLM will not change between now and the time the final report is received. The amount and location of the survey as well as the sites encountered were incorporated into the cultural resource report authored by the BLM.
Four of the parcels in the area have not been surveyed at all.	A "reasonable and good faith effort" does not require that Class III inventory be completed. Information about the cultural resources present in similar areas to the four parcels without survey coverage was considered and incorporated into the parcel by parcel analysis process. BLM Price Field Office archaeologists also visited the area and observed environmental conditions that are not favorable to high densities of cultural resources, based on their professional judgement. The model associated with the larger Class I inventory indicates that these parcels primarily have low potential for cultural resources.
Number of sites located in the area in relation to the acres surveyed suggest that proper inventories would locate additional, significant cultural resources.	<p>A direct comparison of acreage to number of sites is misleading for this area. A good number of the sites in the Molen Reef area were documented by an individual URARA hired. This individual documented sites that were known by URARA members. The documentation of these sites was not associated with any formal survey of surrounding areas, therefore a direct comparison suggests a higher ratio of sites found during survey, when the case is that specific, known sites were documented. This ratio does not appropriately reflect the actual site density of the area. It may be the case that the sites that were recorded are the majority of eligible sites in the area.</p> <p>We do not disagree that additional surveys may result in the location of additional, significant cultural resources. Section 106 compliance is required for any proposed undertakings with the potential for ground disturbance. Any proposed development activities within the area will be subject to Class III inventories and the Section 106 consultation process.</p>
Determination of no adverse effect is confounding in context of other projects the Price Field Office is undertaking.	The BLM contracted two section 110 projects this year to aid with further cultural resource planning. The larger Class I/II for the field office is completed. The predictive model associated with the office wide Class I/II indicates variable cultural resource probability within the Molen Reef area. Areas between the reefs and the eastern parcels have low probability for cultural resources. Areas near the second reef have a higher probability.
Neither the Molen Reef Class I or Class II have been completed. The BLM only has the raw data. Accordingly the BLM suffers from the same limited information that led to leading deferrals in the previous sale.	The larger Class I for the entire field office has been completed and the data from the Model in the Molen Reef area supports the BLMs assertions. The Class II survey associated with the Molen Reef Class I/II is also complete, and the contractors are finishing the draft report. The results of the survey along with the number and types of sites have been shared with the BLM and incorporated into the Cultural Resources Report. This information combined with the 2014 SWCA survey data greatly increase the knowledge the BLM has about the nature and probability of cultural resources within the Molen Reef area. The data associated with the two BLM Section 110 projects and the SWCA 106 Class III survey data represent a substantial increase in data from 2013. Data from URARA about sites within the area was also incorporated into the analysis.

Leasing <i>may</i> have an adverse effect on historic properties in the lease area.	Leasing only conveys the rights to develop a parcel to a lessee. At the leasing stage, development plans are not submitted to the BLM for review. The BLM reviews the reasonably foreseeable development strategy to examine affects. The BLM has no knowledge prior to leasing about when, if, and where development will occur within parcels. Specific development actions will be reviewed under individual Section 106 consultations on a project by project basis and resource concerns will be addressed at that time by either modifying the project, mitigating adverse effects, or denying the development activity. Additionally, since 1997 the UT-SHPO has not concurred with any adverse effect calls for oil and gas leasing activity. Only five adverse effect calls were made during that time period for oil and gas development projects.
The summary report ignores potential impacts to a cultural resource's setting...judicious placement will not necessarily negate impacts to atmospheric or audible elements. BLM fails to account for these types of effects in much of its parcel by parcel analysis.	Setting is just one of the aspects of integrity for a cultural resource. While an important aspect, setting in a cultural resource situation is usually tied to the physical location of a resource. During the Section 106 consultation process direct and indirect effects to historic properties are considered. For historic properties only eligible under Criterion D for data, visual, atmospheric, and auditory impacts are generally negligible as those impacts will not degrade those aspects of the site which make it eligible to the National Register of Historic Places. For historic properties eligible under Criterion C, impacts to the larger setting have the potential to degrade the setting. Audible impacts associated with oil and gas development are usually transitory in nature and only occur for short periods of time. Additional measures can be taken to address these concerns should they be found to be adversely impacting the setting of a site. Atmospheric conditions from oil and gas leasing generally do not adversely impact cultural resources sites. Monitoring of dust accumulation on rock art images in Nine Mile Canyon as part of the West Tavaputs Programmatic Agreement has shown that dust accumulations do not significantly impact prehistoric images though abrasion as previously thought. It was also found that dust accumulations wash off with rain and are not permanent in nature.
Topographic complexity indicates that there <i>may</i> be adverse effects to cultural resources. The most logical place for transportation corridors and pipelines is though gaps in the reef. These gaps contain high densities of cultural resources. Development in those areas would adversely impact those cultural resources. BLM must analyze those potential impacts.	The BLM will conduct Section 106 analysis for each proposed development activity associated with the lease of these parcels. Proposed development activities will require a comprehensive Class III inventory of the area of potential effect. If a cultural resource conflict is discovered the BLM will work to resolve the adverse effect though consultation with the SHPO and modification of the project. If the adverse effect cannot be resolved, the BLM will develop mitigation measures with the project proponent or deny the proposed action.

If you have any questions pertaining to the proposed project, please contact either myself at (435) 636-3618 or Archaeologist Nicole Lohman at (435) 636-3667.

Sincerely,

Amber Koski
Assistant Field Manager

bcc: Working File
Reading File

LLUTG022:NLOhman:aa:7/31/2017